

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HEMENDRA NAIKER,
Plaintiff,

vs.

ONEWEST BANK, F.S.B. F/K/A INDYMAC
FEDERAL BANK, F.S.B., and QUALITY LOAN
SERVICE CORP.,

Defendant(s).

Nos. C 09-5384 MHP
C 10-0629 MHP
(Related Cases)

**ORDER OF
DISMISSAL**

These related actions involving the same parties and the same allegations were related to this court and a schedule for defendant OneWest Bank's motion to dismiss was set with plaintiff's opposition to be filed no later than May 3, 2010. No opposition has been filed in either case even though such opposition was due over a week ago. Nor has plaintiff sought an extension to file an opposition. Therefore, the motion, which pertains to both cases, is deemed unopposed, the hearing date is vacated, the motion is GRANTED on its merits in that the complaint fails to state claims upon which this court may grant relief, and the complaint in each of these actions is DISMISSED.

Defendant Quality Loan Service also filed a declaration of nonmonetary status on March 2, 2010, and no response or opposition to that has been filed. Therefore, the complaints against Quality will be dismissed as well.

For the foregoing reasons, the complaints in the above actions are DISMISSED in their entirety and judgment will be entered accordingly.

Date: May 12, 2010


MARILYN HALL PATEL
United States District Court Judge